

H.128

An act relating to limiting criminal defenses based on victim identity

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 6566 is added to read:

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

(a) In a prosecution for any criminal offense, evidence of the defendant's discovery of, knowledge about, or the potential disclosure of the crime victim's actual or perceived sexual orientation or gender identity shall not be used:

(1) as a defense to defendant's criminal conduct;

(2) to establish a finding that defendant suffered from diminished capacity; or

(3) to justify defendant's use of force against another.

(b) The following shall not be used to mitigate the severity of an offense:

(1) evidence of a nonviolent romantic or sexual advance by a crime victim towards the defendant; or

(2) evidence of defendant's perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.